

App. F. IX-4

Previous References.

1941-42
(RT)

File No. 24-41

Serial Nos. 62, 63

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only

9-28
12-12

Part B for July 1943.

SUBJECT

Report of the election Commissioner in RAE No's
No. 55 of 1940-41.

Mr Patel Malle Gowda Vs Mr SCKalliah.

20

The Compiler Mysore Gazette.

No RL 1538 Dated 17.2.42

Declares that Mr SCKalliah is the duly elected
Candidate to the Post from Madalur Rural Constituency.

Report of the Election Commissioner in

R.A.E. No 55 of 1940-41

General and Revenue
Secretariat

RA File No.

1166/11 of 1941-42

[App. F. III-2]

Serial
No.

Report dated 8.10.1941 from the Election Court, dismissing the petition in R.A.E. No 55 of 1940-41 filed by Mr. Patel Kallafowda Challenging the election of Mr. S.C. Malliah to the RA. from the Maddur Taluk Rural Constituency.

Sueto

1) The case relates to the election petition filed by one Mr. Patel Kallafowda, Challenging the election of Mr. S.C. Malliah to the Representative Assembly from the Maddur Taluk Tal. Rural Constituency.

Since the petitioner had not entered his age and date of birth in column 3) of his notice of candidature, the Election Court, in his report dated 8.10.1941, has held that the rejection of his notice of candidature by the Returning Officer was not improper & that his petition is liable to be dismissed.

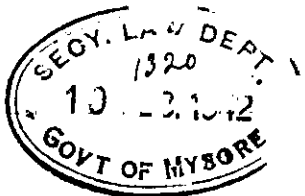
2) Against this decision, the petitioner has not preferred an appeal to the High Court within the period of limitation allowed by the rules & consequently the findings of the Court stand final.

3) A draft Go. under Rule 191(2) of the RA. rules, dismissing the petition & declaring that Mr. S.C. Malliah is the duly elected candidate to the RA. is Sueto for draft.

10/2/1942

Maybe approved 10/2/42

Maybe approved (Law Secy) 11/2/42
Dewan) 12/2/42
14/2/42



NOTE-Contn. Sheet

Report of the Election Comm. in RAH No

No 53 of 40-61

RA File No. 24

of 1941

General and Revenue
Secretariat

Serial
No.
63

The Compiler, Mysore Gazette

Note No RL 1538 RA 24-41-63 dated 17/2/43

Declares that Mr. S. C. Malliah is
the duly elected candidate to the
RA from the Maddur Taluk Constituency.

~~Prescribed~~
OFFICE OF THE
SECRETARY
20 JULY 1943
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

R. A. 24 41-62.

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE,
BANGALORE.

Dated this 8th day of October 1941.

Present:

C. NARAYANASWAMY NAIDU, ESQ., B.A., B.L.,
Election Commissioner,

R. A. E. Mis. No. 55 of 1940-41.

=====

Petitioner:-

Vs.

Respondent:-

Mr. Patel Malle Gowda,
son of Raje Gowda, 40 years,
Kothanahalli, Maddur Taluk,
Mandy District.

S.C. Malliah, son
Chikke Gowda, re-
siding in Somana
Halli, Maddur Talu

I. Petition filed under Rule 172 of the Re-
presentative Assembly Rules 1940.

II. The petition was filed before Government o
29-3-1941 and the same was received in this Court on
19-4-1941.

III. The respondent filed his objections on
2-7-1941.

IV. The case came up for settlement of issues
and the following issues were framed on 3-7-1941:

- (1) Was the notice of candidature of the pe-
titioner improperly rejected on the groun
that he could not give the date of his
birth, though he stated that he did not
know it, as he had no horoscope?
- (2) Is not the ground of rejection according to
law?
- (3) To what relief, if any, is the petitioner
entitled?

V. The case came up for arguments on 11-7-1941
and by adjournments to 4-10-1941 along with other
connected cases.

Mr. M.P. Somasekhara Rao appeared for the petitioner and Mr. H. Honbe Gowda appeared for the respondent.

R e p o r t.

1. The notice of candidature of the petitioner was rejected on the ground that he did not give the date of his birth, but stated that his horoscope was not available when he filled up the notice of candidature.

2. The High Court has decided in Mis.Appeal No.12 of 41-4 that both the date of birth and the age should be entered in Column 3 of the notice of candidature.

3. The notice of candidature was not therefore improperly rejected.

4. The petitioner may be directed to pay Rs.50/- as costs to the respondent.

5. I recommend accordingly.

Dictated to the Steno-typist and after revision signed.

U. P. Rao
ELECTION COMMISSIONER.

8-10 7/1

TITLE PAGE.

Class I.

File A 270.

In the Court of the Election Commissioner of Mysore Bangalore

Suit (or case) No. R.A.E. Mi 55 of 1940-1941

Name of first plaintiff (or applicant)

Mr. Patel Malle Gunda.

Name of first defendant (or opponent)

S.C. Mallaiya.

Date of decision 8.11.41.

Suit (or Case) No. R.A.F. No. 55-of 1940Class IIIFile C.V.D.

Serial number of paper	Sheets	Description	Value of court-fee stamps			Remarks
1	2		4			5
1	1-3	Order Sheet	Rs.	a.	p.	
2	4-5	Election petition		-	-	
3	6	Treasury Chalkan.				
4	7	objection statement				
5	8	Issues				
6	9-11	Vakalat		8	-	
7	12-13	Order Copy & Order & Return of Officer		8	-	
8	14	Court notice				
9	15	Docket				
10						
11						
12						
13						
14						
15						
16						
17						
18						
Total value of court-fee stamps ...			On plaint ...	2	-	+
			On other papers ...	2	-	+

R. A. E. V.
ORDER SHEET

In the Court of the Election Commissioner Bangalore
No. R-A-E-116 is 55 of 1940-41.
Patel Malle Gowda. Versus P. C. Mallappa. ✓

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of pleaders when
	18-5-41	R. A. E. petition Mandy (Rural Constituency). The petition was filed on 29-3-41 by Patel Mallappa and the same was received in court on 19-4-41. petr prays under Rule 17 of the Mysore Representative Assembly Rules 1940 that the election of the Member to the Representative Assembly the Mysore District Rural Constituency be set aside and fresh election be held. Notice to both parties a Gazette publication by G. 6	

mis case is continued
with mis
call for records
R.O.

9-6-41

Estd by Mr

and by 9. H. Kumbhakar

obj. 30-6-41

According to records
from the revenue office

Conceded in
the 1954
year

There is no
evidence of the
Assembly &
Council today
Hence to be
as already put up
on the life record

9-6-41

10-6-41 Mr. M. P. S.

Estd by - H. Kumbhakar

obj. 30-6-41

9-6-41

Mr. M. P. S. Rao, appears
for petitioner. But
there is no authorisation
by petitioner in favour of
Mr. M. P. S. Rao to appear
in this case.

30-6-41. Rept by Mr. M. P. S.

Rept by Mr. H. H. Gouda. Lr. filed to Repts.
by Mr. B. S. P.
objections on 28-6-41 in the office

is the obj. that encloses
not verified &
returned.

proper for 27
and by post cannot
be 30-6-41

ORDER SHEET

In the Court of

No. *RAE. mis 55*
10001 of 19
Versus

Sêrial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
<i>✓</i> <i>proper</i>		<i>petr. 16. P. 5.</i> <i>Respectly - H. H. Gow</i> <i>proper proceedings filed</i> <i>var for pet to be filed</i> <i>255 was transmitted</i> <i>pet by - M.</i> <i>Respectly - H. H. Gowder.</i> <i>now. framed</i> <i>Arguments 11-2</i> <i>Petitioning Mr. H. P. S</i> <i>Respect by Mr. H. H. Gowder</i> <i>Arguments heard</i> <i>16 being up on 16.</i>	<i>27</i> <i>37</i> <i>11-2</i>

16-7-21 per by - 168's

Report by - H. H. Fowler

points involved in this case

and in 9417 are common. Report was

submitted in 9417. The court is engaged

from today in heavy contested cases. Further

arguments will be heard after the decision

is given by the High court in this 9417 on

points of law and Report will be submitted

2-9-21

per by 168's.

Report by - H. H. Fowler. All

Bringing up 94152

since the High

court is to decide it

decide the Commission

Question of law

from this 9412

7.1

3

In the Court of

No.

RAE is 55
441 of 19

Versus

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
		pet by - mps. ab Respectly - H. H. Gonda ab Avoid copy of report in Mois Ap 12/41 and bring upon 18741	Ans 9 157
		pet Respect. { ab for Same reason	Avoid 2794 Ans 9 157
		pet by - mps. ab Respectably - H. H. Gonda. The copy of the pet in Mois 8/77 is first received of shall hear accordingly	141-42

✓ Submit report
on 4-10

Ans
27/2

4-10-41 per by W. M. P. S. Bho

Report by H. H. J. Gouda

Further arguments heard

Placing upon 7-10-41

Ans 10
4-10

7-10-41 per {
Report ab.

for 20/1

Copy of proceedings in this AP 12/4/41

filed in LEE no 10/40/41. Placing up this case

along with that case on 8-10-1941

Ans 10
7-10

for 20/1

8/10/41 per by W. M. P. S. Bho

Report by H. H. J. Gouda ab.

Report proceedings
Submitted

Ans 10
8-10



2010/12

RI
GOVT
11/12

BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE.

Election Petition No. of 40-41.

Petitioner:

Opponent:

Patel Malle Gowda,
s/o Raje Gowda, aged
40 years, Kothanahalli,
Maddur Taluk, Mandya
District.

S.C. Malliah, s/o
Chikke Gowda,
residing in
Somana Halli,
Maddur Taluk.

UNDER RULE 172 OF THE MYSORE REPRESENTATIVE

ASSEMBLY RULES 1940.

The petitioner abovenamed begs to state
as follows:--

1. That the petitioner had duly filed his notice of candidature for election to the Representative Assembly from the Maddur Taluk Rural Constituency at the elections notified for 8-2-1941.
2. That on 10-1-1941 at the scrutiny the Returning Officer rejected petitioner's notice on the ground that he had not given his date of birth. The order is erroneous and copy of the same is produced herewith.
3. That the date of birth is meant only to verify the correctness of the age and there is nothing fatal in the failure to furnish it so far as the validity of the notice is concerned, par-

R.A. E. Petn
No. 55
60-41
(Maddur Rural)

particularly when the age of the candidate is above the required age and is not in question. The petitioner had given his age as 40 and the same is not doubted either by the Returning Officer or even by the opponent at whose instance the Officer rejected the notice. The requirement regarding date of birth is only directory and not mandatory. The petitioner did not ~~not~~ remember the exact date of his birth as in fact many Villagers do not and many people do not know ~~xxxx~~ at all the date of birth. That circumstance cannot be held to deprive a person of his valuable right to stand as a candidate for election to the Legislatures. The interpretation of the rules by the Returning Officer is erroneously meticulous and untenable; and it has caused a grave miscarriage of justice. The order is liable to be set aside.

4. That the opponent has been declared returned unopposed as a result of such erroneous rejection. As a result of the improper rejection the result of the elections has been materially affected.

5. That petitioner, therefore, prays that the election of the opponent to the Representative Assembly from the Maddur Taluk Rural Constituency may be set aside and fresh election directed to be held.

6. That petitioner has deposited Rs. 100/- in the taluk treasury at Maddur as per receipt No. R.D. No. 69 dated 20-3-41, produced herewith.

Bangalore City,
19th March, 1941.



I, the petitioner abovenamed, do hereby

hereby declare that what is stated above is
true to the best of my knowledge, information
and belief.

Bangalore City,

19th March, 1941

ಬೆಂಗಳೂರು ನಗರ

6.]

ORIGINAL (ಅನು)

[M. C. A. C., Vol. I.

ಖಜಾನೆಗೆ ಹಣ ಪಾವತಿ ಮಾಡುವ ಬಗ್ಗೆ ಚರ್ಚೆ.

Chellan for Payment of Money into the Treasury.

This receipt is not binding or valid on Government unless it is signed by
the (1) Accountant and (2) Treasurer or Treasury Officer for sums over Rs. 500
Sheristedar Shroff

in District
Taluk Treasury.

No.

Chellan for payment of money into the Treasury at.....

By whom paid ಯಾರಿಂದ	On what account ಯಾವ ಬಗ್ಗೆ	Head of account in the treasury accounts ಯಾವ ರೆಬ್ಬಕ್ಕೆ ಜಮಾ ಆಗುತ್ತದ್ದು	Amount ಮೊಬಲಗು		
ಮಧುಕುಳಿ ಅಂಕಿ ಕೊಟ್ಟ ಬ್ಯಾಂಕ್ ಖಾತೆ ಮಾಡಿಸಿರುವ ಕುಲಸಿಪತಿ	ಎಲೆಕ್ಟ್ರಿಕ್ ಬೆಳವಳಿ ಕಡೆ ಬಗ್ಗೆ	ಎಲೆಕ್ಟ್ರಿಕ್ ಬೆಳವಳಿ ಕಡೆ ಬಗ್ಗೆ R.D	Rs. ರೂ.	a. ಅ.	p. ಪೈ
			100	0	0
(In words) ಮೊಬಲಗು ಅಕ್ಷರದಲ್ಲಿ	ಹೊಂದುಗಳು ಕುಲಸಿಪತಿಗೆ	Total ಜುಮ್ಮಾ	100	0	0

Date 194 .

20-3-41

Received Rupees..... 100-00-00 One Hundred only. Signature of Remitter.
ಹಣ ಪಾವತಿ ಮಾಡುವವರ ರುಜು.

and credited under..... R.D. (vide item No. 69 of
subsidiary register for..... 234

Treasury

The 20/3/1941.

Initials of Treasurer.

Shroff.

Initials of Head Accountant.

Nagadi Gurmasta.

Signature of
Treasury Officer.

FORM 2.

Instructions. (*Vide* Article 5, Mysore Civil Account Code Volume I.)

1. Any person paying money into a Government Treasury will present with it a chellan in this form which will show distinctly the nature of payment, the person or officer on whose account it is made and the head of account in the treasury accounts to which the amount has to be credited, and will thus contain all the information necessary for the preparation of the receipt to be given in exchange.

2. The chellan should be presented in duplicate. One copy (Original) will be returned to the tenderer duly signed as a receipt and the other (Duplicate) retained in the Treasury for record.

3. Receipts for sums less than Rs. 500 do not require the signature of the Treasury Officer but only of the Accountant and the Treasurer, except receipts for money paid for service stamps, which should always be signed by the Treasury Officer. Receipts in a Taluk Treasury will be signed by Sheristedar and Shroff.

4. Receipts should bear the name of the treasury and be stamped with the treasury stamp (seal). It should distinctly show the date of issue, the designation of the officer granting it and the head of account to which the amount was credited.

IN THE COURT OF THE ELECTION COMMISSIONER,
BANGALORE.

-*-

R.A.Election Mis.No.55/40-41.

PETITIONER:

RESPONDENT:

Patel Malle Gowda

-Vs-

S.C.Malliah

RESPONDENT'S OBJECTION STATEMENT.

The Respondent begs to state:--

1. That the Order passed by the Returning Officer rejecting the Petitioner's Notice of candidature is correct and all objections raised against it are all untenable. The rules are clearly mandatory and not directory.

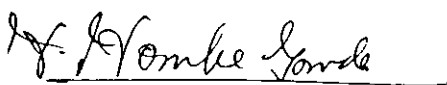
Therefore the Respondent most respectfully prays that this Hon'ble Court be pleased to dismiss the Petition with costs of this Respondent.

x 

RESPONDENT.

Verification.

What is stated above is true to my best of knowledge and belief and I sign the same on 1st July 1941 at Mandya.



ADVOCATE FOR
RESPONDENT.

x 

RESPONDENT.

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE,
BANGALORE.

R. A. E. MIs. 55 of 1940-41.

Petitioner:-

Vs.

Respondent:-

Patel Malle Gowda.

S.C. Malliah.

I s s u e s.

1. Was the notice of candidature of the petitioner improperly rejected on the ground that he could not give the date of his birth, though he stated that he did not know it, as he had no horoscope?

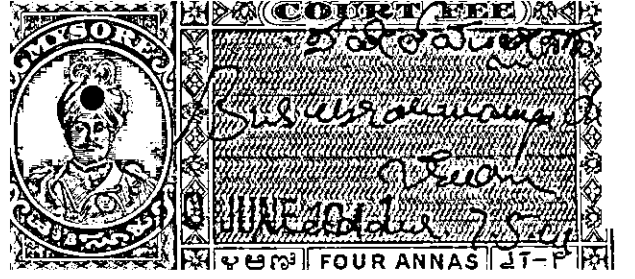
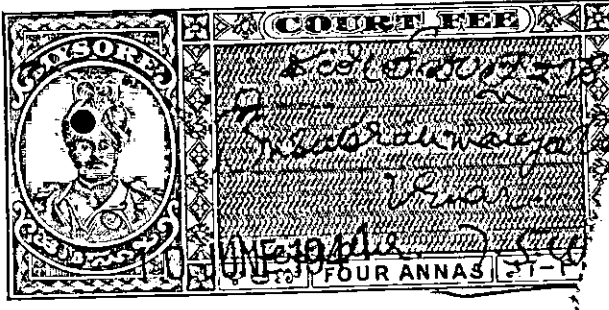
2. Is not the ground of rejection according to law?

3. To what relief, if any, is the petitioner entitled?

W

Election Commissioner.

2-7-41



ಕೋರ್ಟಿನಲ್ಲಿ

ವಿವರಣೆ -

ಬೆಂಗಳೂರು

1941-1941 ನೇ ಸೆ 53 ನಂಬರು
100

ವಾದಿಯಾ ಅರ್ಜಿದಾರ್

ಪ್ರತಿನಾದಿಯಾ ಅಪೊನೆಂಟ್

Patel Mallegowda s/o
Rajegowda, Kothanahally
Maddur Taluk

Vs.

S.C. Malliah

ಮ|| ರಾ|| ಕೆ. ಬಿ. ಭಾಷ್ಯಂಅಯ್ಯಂಗಾರ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., ಮತ್ತು

ಎಂ. ಶೇಷಾದ್ರಿ, ಬಿ. ಎ., ಎಲ್. ಎಲ್. ಬಿ., ಅಡ್ವೋಕೇಟ್ಸ್‌ರವರಿಗೆ

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಅಪ್ಪಿರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ನಡೆಸುವುದಕ್ಕೂ ನನ್ನ ಪರವಾಗಿ ಅಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಅರ್ಜಿಗಳನ್ನೂ ದಿಕ್ಕಿಯನ್ನೂ, ಜಾರೀಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲಮಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಿಬೇಕಾಗಿರುವ ದಿಕ್ಕಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು, ಪ್ರೋಸೆಸ್‌ಸ್ವಾಂಪು, ದಾವಾಸ್ವಾಂಪು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೆವಜು ವಗೈರಿಗಳನ್ನು ವಾಪಸುಪಡೆಯಲಿಕ್ಕೂ, ಮೇಲ್ಕಂಡ ಕೇಸಿನಲ್ಲಿ ರಾಜಿ ವಗೈರಿ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಮೊಕದ್ದಮೆಯನ್ನು ವಾಪಸ್ ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ನಿಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ತಾವು ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡೆಯಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇರುತ್ತೇನೆ.

ತಾರೀಖು

9-6-41

ರುಜು ಮಹಮ್ಮದ್ ಅಲಿ ಸಾಹೆಬ್

ಈ ಮೊಕ್ತಾಬ್‌ರೂನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಕ್ತಾಬ್‌ರೂನಾಮಾ ಅಂಗೀಕರಿಸಿದೆ.

ಅಡ್ವೋಕೇಟ್ಸ್

ಅಡ್ವೋಕೇಟ್ಸ್

ಇಂಡಿಯನ್ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ,

10-6-41

XV
10
9/12/41

orders

16/7/41

Before the Election Commissioner in Mysore.
Bangalore.

**In the High Court of Mysore
BANGALORE.**

R.A.S. No. 55 OF 1940-1941.

Patel Mallegonda s/o
Rajegonda
Kothanahally
Maddur Tq, Mandya Dist

S. C. Mattaya
Chikkagunda,
Somanaahally
Maddur Tq.

VS.

11 JULY 1941
Filed in
com.

By M. P. Somasekhara Rao, B.A., LL.B. Advocate.
Messrs. K. T. BHASINAM IYENGAR, B.A., LL.B. & M. NESHADRI, B.A., LL.B.
+ M. V. Advocates **ADVOCATE, BANGALORE CITY.**

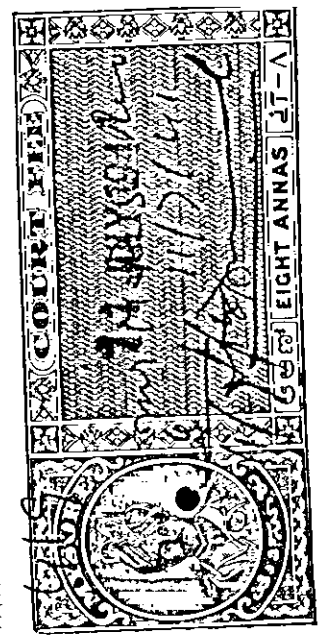
.....the.....abovenamed do hereby nominate and
appoint the said advocates in the above case and do hereby empower the said
advocates to appear for and on.....behalf in the above case, to take all
steps which may be necessary on.....behalf arising out of or in connection
with the above case either during progress or after its decision to sign and
subscribe their names to any document which they may deem proper to execute
any decree that may be passed in.....favour and to receive out of the Court
any refund of money which may be lodged or become payable or receivable on
.....behalf and on receipt thereof to grant receipts or other sufficient
discharges for the same, to withdraw, compromise or refer to arbitration the
said case to appoint one or more substitute or substitutes and to act and
perform all other matters and things relating thereto or connected therewith, to
represent.....in matters relating to the same and to act as fully and
effectually to all intents and purposes as.....might do if personally present
and did the same. And—do hereby agree to pay all fees, costs, charges and
expenses which may be incurred and to allow, ratify, and to confirm whatso-
ever the said Advocates shall lawfully do or cause or procure to be done by
virtue of these presents.

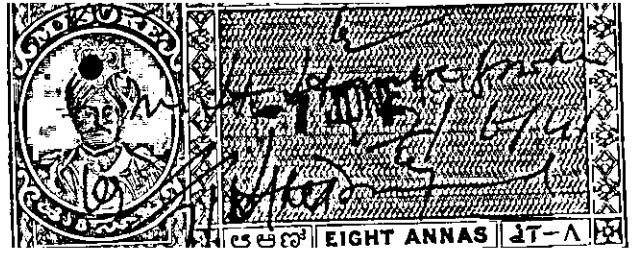
[Signature]

Accepted. _____

Signed before me by the executant who is known to me
[Signature]
Advocate

[Signature]
Advocates for





In the Court of the Election Commissioner, Bangalore
Case No. *P.A. Ele. M. 55* of 1940-1941. *polymr. 144*
modo

PLAINTIFF

Patel Hake Gunda

DEFENDANT

S. C. Malliah

108
7-6-41
Vs

7-6-41
-7 JUNE 1941

1. *I* the *Rept.* above named do, by these presents retain Mr. H. HOMBE GOWDA, B.Sc., LL.B., Advocate, to appear for and conduct the above case on *my* behalf to Judgement.

2. *I* further empower him to do all the necessary acts in the above case and to execute any decree or order that may be passed in *my* behalf, and to receive from the court all documents, refunds, and all sums of money that *he* may be entitled to get and grant receipts therefor.

3. *I* also undertake to confirm and ratify all the legal acts done by the said Advocate or any other on his behalf in so doing.

S. C. Malliah

Accepted

Signed before me and personally known to me

H. Hombé Gowda

H. Hombé Gowda

Advocate for *Rept.*

Dated *7/6* 1941.

Dated *5/6* 1941

In the office of the Returning officer,
General Rural Constituency, Maddur
Taluk.

Subject

✓
Sentiny of the

notice of Candidature of Mr Patel Mallegowda
Kothanahalli, Serial no 3556 in Voter list
for the election of the ensuing R. A.

Order dated 10-1-41

Mr Patel Mallegowda was present with his
agent. The sentiny of the notice of the
candidature of said Mr Mallegowda was
done in their presence. The date of birth of
Mr Patel Mallegowda is not mentioned in the
third column of the prescribed form under
rule 89. Mr S.C. Mallaiiah who is a candidate
for the same constituency has filed an
objection petition dated 9-1-41. The objection
is that Mr Patel Mallegowda has failed to
mention the date of birth in the notice of
candidature and as such his candidature
is liable to be rejected. Mr Patel Mallegowda
was asked to explain the cause of omission
of date of birth in the notice of candidature
presented by him. He states that the
Harascope was not with him at the time
of presentation of application and wants to
meet the objection through a lawyer. He
has endorsed to that effect on the objection
petition in question. There is no provision

of law under the Representative Assembly rules to defer the matter under enquiry and allow him to represent through a legal practitioner. under Rule 89 of the R.A. Rules of 1940. the notice of Candidature should be completed in the ^{manner} prescribed in form III. Mr Patel Mallegowda has not satisfied the conditions laid down in the said rule. He has omitted to state the date of birth. Thus his notice of candidature is liable to be rejected. I hold the objection of Mr S.C. Mallaiyah as genuine. I hereby reject the above notice of candidature of Mr Patel Mallegowda under rule 96 clause, Sub Rule (b) read with Rule 89 of the Rules of R.A. 1940 as he has failed to mention the date of birth as required. It may not be out of place to point out that the date of birth of the candidate is an important factor of the candidature. Mr Patel Mallegowda was informed in person that his notice of candidature was rejected on the grounds stated above.

Maddur.

(Sd) N. Devanajana.

R.O.
10-1-41

"True copy."

H. S. S. S.



17.3.41

Director of Revenue
Maddur

Copy application 7-3-64

Copy received on 17-3-64

Applicant's application 17-3-64

Copy deleted on 17-3-64

Copied by P. Venkatachalapathy.

Compared by G. Minnie Math

No of words 398

Copying fees 0-8-0

Compared fees 0-2-0

0-10-0

(Sum. Tensuley)

Person
u.s.

The Election Commission AT 1300.

R A. E. C. H. L.

Miss

~~SUIT~~ No.

55

OF 1940-1941..

SUIT No.
Kalel Mallepouda,

Roje gouda

Applicant
Kotana Halli.

US

{ Respondents
Opponent.

Opponent.

S e. Mallon

12. zur Statistik. ^{To} Petr + Reaph

Whereas the abovenamed petitioner has made an application to the Court that as per copy enclosed herewith

You are hereby warned to appear in this Court in person or by a Pleader duly instructed on the 9th day of June 1941 at 11 o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this 20th day of May 1941. Pro.

Bo.
Went to the office

1st copy
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. *R.L. 1538* / *RA. 24-41-63* General and Revenue Secretariat,

Dated Bangalore, *17th February* ~~January~~ 1942

NOTIFICATION.

Orders by the Government of His Highness the Maharaja and the provisions of Rule 191 of the Representative Assembly Rules 1940 in respect of R.A.E. His No. 55 of 40-41, on the file of the Election Commissioner:-

WHEREAS Mr. S. C. Malliah, residing in Somanahalli, Madhur Taluk was declared by the Returning Officer, under sub-rule 2 of Rule 101 of the ~~Representative Assembly Rules~~ Rules, 1940, to have been duly elected as a member of the Representative Assembly from the *Madhur Taluk*..... General Rural Constituency

AND WHEREAS an election petition was duly presented to Government under Clause (a) of sub-rule (1) of Rule 172 of the aforesaid Rules by Mr. *Pappu Nallapowda, Kothanahalli*..... *Madhur Taluk, Mandya District*..., a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja, exercise of the powers conferred by the provisions of sub-rule (1) of Rule 173 of the Representative Assembly Rules, 1940, by Notification No. 3834-C.B. 161-40-10, dated 16th April 1941, appointed Mr. C. Marayanaswamy Naidu, B.A., B.L., as Election Commissioner, for the trial of election petitions and by Notification No. Rl. 3478-R.A. 113-40-3, dated 18th April 1941, transferred this petition to the said Commissioner for a report in accordance with the provisions of Rule 173 of the aforesaid rules;

AND WHEREAS the said Election Commissioner has in accordance with the provisions of sub-rule (3) of Rule 183 of aforesaid Rules, forwarded to Government his report, dated

the petition,

NOW THEREFORE the Government of His Highness the Maharaja, in exercise of the powers conferred by sub-rule (2) of Rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that Mr. S. C. Malliah the returned candidate has been duly elected to the Representative Assembly from the Maddur Taluk General Rural Constituency and to order further that the petition be dismissed ^{and} that the Petitioner Mr. P. H. Malle Gowda shall pay Rs. 50/- as costs awarded in the Election Commissioner's Court to the respondent Mr. S. C. Malliah

By Order,

BKR
10.2.42
Hm
11.2.42
SECRETARY TO GOVERNMENT,
LAW DEPARTMENT.
Dbr
10.2.42

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette and for supplying 25 copies to the Secretariat.

Memo no: R.L. 1539 and R.L. 1540.

Copy of the above is to be sent to the Dy. Commr, Mandya Dist. & the Secretary R.A. & L.C. for information

B. D.

BKR
For Secy to Govt
Law Dept.
Dbr
10.2.1942
From
w/p

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No.

General and Revenue Secretariat,

Dated Bangalore, ...
February 1942.

NOTIFICATION.

Orders by the Government of His Highness the Maharaja under the provisions of Rule 101 of the Representative Assembly Rules, 1940, in respect of R.A.S. No. 55 of 40-41, on the file of the Election Commissioner:-

WHEREAS Mr. C.C. Kalliah, residing in Komarahalli, Maddur Taluk, was declared by the Returning Officer, under sub-rule 3 of Rule 101 of the Representative Assembly Rules, 1940, to have been duly elected as a member of the Representative Assembly from the Maddur Taluk General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government under Clause (a) of sub-rule (1) of Rule 172 of the aforesaid Rules by Mr. Patel Hille Gowda, Komarahalli, Maddur Taluk, Mandya District, a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja, in exercise of the powers conferred by the provisions of sub-rule (1) of Rule 172 of the Representative Assembly Rules, 1940, by Notification No. 3534-G.S. 161-40-10, dated 16th April 1941, appointed Mr. C. Narayanaswami Saich, B.A., B.L., as Election Commissioner, for the trial of election petitions and by Notification No. 3472-G.S. 113-40-3, dated 15th April 1941, transferred this petition to the said Commissioner for a report in accordance with the provisions of Rule 172 of the aforesaid Rules;

AND WHEREAS the said Election Commissioner has in accordance with the provisions of sub-rule (2) of Rule 172 of the aforesaid

Rules, forwarded to Government his report dismissing the petition;

NOW WHEREAS, the Government of His Highness the Maharaja, in exercise of the powers conferred by sub-rule (B) of Rule 151 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that Mr. M.C. Mallik the returned candidate has been duly elected to the Representative Assembly from the Madhav Taluk General Rural Constituency and to order further that the petition be dismissed and that the petitioner Mr. Patel Mallik Govin shall pay Rs.50/- as costs awarded in the Election Commissioner's Court to the respondent Mr. M.C. Mallik.

By Order,

SD. H.V. NARAYANA RAO,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part XII of the Gazette and for supplying 25 copies to the Secretariat.

Memo No. R.L. 1539 dated Bangalore February 1942
and R.L. 1540.

Copy of the above is forwarded with compliments to:

- 1) The Deputy Commissioner, Mandya Dt.,
- 2) The Secretary, R.A. & L.C.,

for information.

By Order,

For Ramakrishna
For Secretary to Government,
Law Department.

don

SRR